

GOVERNMENT OF TELANGANA
A B S T R A C T

Public Services - Commercial Taxes Department – Zone-VI – Re-fixation of seniority of Sri S.Ravichandra (presently working as DCTO) in the cadre of ACTO in Zone-VI as per the Orders of Hon'ble High Court in W.P.No.34265 of 2013 and W.P.No.11305 of 2014 dated.26.11.2014 - Orders – Issued.

REVENUE (CT.I) DEPARTMENT

G.O Rt.No.28.

Dated.23.01.2015.

Read the following:

1. G.O.Rt.No.1154, Rev(CT.I) Dept., dt.27.09.1995.
2. G.O.Ms.No.960,Revenue (CT.I)Dept., dt.11.09.2009.
3. Govt Memo No.23928/CT.I(2)2007,dt.25.07.2009.
4. Govt Memo No.23928/CT.I(2)2007,dt.18.06.2011.
5. From The CCT, A.P, Hyd., Ref.No.DX(2)/291/2007,Dt.04.07.2011.
6. G.O.Ms.No.63,Rev (CT.I) Dept., Dt.01.02.2012
7. From The CCT, A.P, Hyd., Ref.No.DX(2)/291/2007,Dt.18.02.2012.
8. AP Extra-Ordinary Gazette No.66, dated 08.05.2012.
9. The APAT in its orders dated. 06.11.2013 in O.A.No.8858/2012
- 10.From the Hon'ble High Court orders, in WP.No.34265 of 2013 & 11305 of 2014,Dated.26.11.2014.
- 11.The CCT, Telangana, Hyd., Ref.No.C(DX)/410/2014,Dt.22.12.2014.
- 12.Govt Memo No.9585/CT.I(1)2014, dt.16.01.2015.
- 13.Show cause Notice,CCT,Telangana,Hyd.,Ref.No.C(DX)/410/2014, Dt.20.01.2015.
- 14.From Sri S.Ravichandra Reply, Dated.21.01.2015.
15. The CCT, Telangana, Hyd.,Ref.No.C(DX)/410/2014,Dt.22.01.2015.

O R D E R:

Sri S.Ravichandra DCTO, was selected as Assistant Commercial Tax Officer under Group-II.A Services through the notification issued by the APPSC in Adv.No.8/90 and allotted to Zone.I and joined duty on 26.06.1995. Subsequently in the reference 1st read above, Sri S.Ravichandra and Smt G.Rani Mohan were transferred from Zone I from Zone VI vice-versa under para 5(2)(d) of the Presidential Order on mutual basis subject to assigning last rank in the seniority below the last regular candidates in the new unit and foregoing seniority in their present working units and he joined as ACTO in Zone-VI on 07.10.1995.

2. In the reference 2nd read above, Govt. have issued orders fixing the seniority of Smt G.Rani Mohan in the category of ACTO with reference to the relative merit rank fixed by the APPSC vis-a vis her other direct recruit batch mates in terms of rule 33(b) read with rule 36(1) of the APS & SS Rules, 1996 and in relaxation of rule 37 of the APS & SS Rules . He has therefore requested the Govt. to assign seniority in the cadre of ACTO in Zone VI as per ranking assigned to them by the APPSC in extending similar benefit as was given in the case of Smt G.Rani Mohan in Zone I.

3. In the reference 5th read above, Government have issued orders fixing the seniority of Sri S Ravichandra in terms of Rule 33(b) read with Rule 36(i) of APS & SS Rules in the cadre of ACTO of Zone-VI, by rejecting the objections received against the orders issued in Memo No.23928/CT.I(2)/2007, dt.18.06.2011 as was done in the case of Smt. G. Rani Mohan, Assistant Commercial Tax Officer, vide G.O.Ms.No.960 Rev (CT.I) Dept., dt.11.09.2009.

4. Accordingly, in the reference 7th cited, the CCT, A.P., Hyderabad has issued orders confirming and assigning seniority of Sri S.Ravichandra, in the cadre of ACTO in the panel year 1994-95 in the integrated seniority list of ACTO's of Zone-Vi, placing his name at Sl.No.114-A below the name of Sri T. Rajendra Kumar at Sl.No.114 and

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above the name of Sri V. Laxman Rao at Sl.No.115, deleting his name at Sl.No.155 in the seniority list of ACTO of Zone-VI published in AP Extraordinary Gazette No.823, Dated.02.12.2005.

5. Further, basing on the orders of the Hon'ble Tribunal dt 27.12.2010 and Govt. memo No 263/CT.I (2)/2011, dt.29.06.2011, the seniority list of Assistant Commercial Tax Officers from 1975-76 to 1996-97 of all zones and from 1997-98 to 1999-2000 in respect of Zone-VI were revised and finalized vide CCT's Ref No.DX(2)/1469/11, dt.23.04.2012 and published in Andhra Pradesh Extra-Ordinary Gazette No.66, dated 08.05.2012., wherein the name of Sri S.Ravichandra was placed at Sl.No.105, below the name of ,Sri T. Rajendra Kumar at Sl.No.104 and above the name of Sri V.Laxman Rao at Sl.No.106.

6. In the meanwhile, Sri V. Laxman Rao, Deputy Commercial Tax Officer has filed O.A.No.8858/2012 on the file of Hon'ble APAT challenging the G.O.Ms.No.63, Rev., dt.01.02.2012 and the consequential proceedings. The APAT in its orders dated. 06.11.2013 in O.A.No.8858/2012 has made the following order:

"In the instant case, the unofficial respondent was selected in the year 1995 and was transferred on mutual basis to Zone-VI and joined in the said Zone in 2005 and was promoted to the post of Deputy Commercial Tax Officer on the basis of the seniority list prepared. After a lapse of nearly twelve years, he made an application for claiming seniority as per the ranking assigned by the Andhra Pradesh Public Service Commission. As per the State and Subordinate Service Rules and the judgment of the Hon'ble Supreme Court mentioned above, there is inordinate delay in making representation claiming seniority which was finalized and the same cannot be reopened. In view of the above, the impugned G.O.Ms.No.63, dated 01.02.2012 issued by the 1st respondent and the consequential proceedings No.DX2/291/2007, dated 18.02.2012 issued by the 3rd respondent are liable to be set aside and they are accordingly set aside.

7. Further, Sri Ravi Chandra, DCTO and the Government have filed W.P.No34265 of 2013 and W.P.No.11305 of 2014 respectively in the Hon'ble High Court against the orders of the Hon'ble APAT, Dated.06.11.2013 in O.A.No.8858/2012. Sri V.Laxman Rao, DCTO has also filed contempt case in C.A.No.847/2014 in O.A.No.8858/2012 in the Hon'ble APAT.

8. The Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh in its orders dated.26.11.2014 in W.P.No.34265 of 2013 and W.P.No.11305 of 2014 has dismissed both the W.Ps filed against the orders of the Hon'ble APAT dated.06.11.2014 in O.A.No.8858 of 2012.

9. In the reference 11th cited, the Commissioner of Commercial Taxes, Telangana, Hyderabad has stated that in view of the orders of the Hon'ble High Court, Dated.26.11.2014 in W.P.No.34265 of 2013 and W.P.No.11305 of 2014, the orders of the APAT in O.A.No.8858/2012 dated.06.11.2013 has to be implemented. The seniority list of ACTO's of Zone-VI published in the A.P. Gazette No.823, dt.02.12.2005 was revised as per the Government instructions with regard to rota-quota in Memo.No.263/CT.I(2)2011, Dated.29.06.2011 and published in the Gazette No.66,Dated.08.05.2012. Therefore, the placement of Sri S.Ravichandra in the cadre of ACTO has to be changed in the Gazette No.66 by implementing the orders of Hon'ble APAT and High court.

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10. Government after careful examination of the matter, it is observed that there is no alternative except to implement the orders of the Hon'ble APAT, Dated.06.11.2013 in O.A.No.8858/2012, and decided to implement the orders of the Hon'ble A.P.A.T. Accordingly, in the reference 12th cited, Government have decided to change the placement of Sri S. Ravichandra in the cadre of Assistant Commercial Tax Officer published in Gazette No.66 from S.No.105 to Sl.No.112-A, below the name of Smt D.Sailaja, at Sl.No.112 and above the name of Smt K.Suneetha at Sl.No.113 in the integrated seniority list of ACTO in Zone-VI. The CCT, Telangana was requested to take necessary action, accordingly and issue show cause notice to Sri S.Ravichandra who is likely to be affected, calling for objections if any and send those objections to Government along with specific remarks for taking further action in the matter.

11. In the reference 13th cited, the CCT, Telangana has issued Show cause notice to Sri S.Ravichandra, DCTO calling objections against the change of placement in the cadre of ACTO in the integrated seniority list of ACTOs of Zone-VI for the panel years from 1992-93 to 1999-2000 published in Gazette.No.66, Dated.08.05.2012 from Sl.No.105 to 112-A below the name of Smt D.Sailaja, at Sl.No.112 and above the name of Smt K.Suneetha at Sl.No.113 in Zone-VI.

12. In the reference 15th read above, the CCT has stated that in the reference 14th cited, Sri S.Ravichandra has filed his reply against the show notice issued in the reference 13th read above and stated that he doesn't have any objections to the proposal made in the show cause notice, and the CCT, Telangana has requested the Government to pass appropriate orders in the matter.

13. Government after careful examination of the matter keeping in view of the orders of Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh in its orders Dt.26.11.2014 in W.P.No.34265 of 2013 and W.P.No.11305 of 2014 and the orders of the Hon'ble APAT dated.06.11.2014 in O.A.No.8858 of 2012, hereby confirm the provisional decision taken in the Government Memo No.9585/CT.I(1)2014, dt.16.01.2015.

14. The Commissioner of Commercial Taxes, Telangana Hyderabad shall take further action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**B.R.MEENA,
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner of Commercial Taxes, Telangana, Hyderabad.
The Officer concerned, through the CCT, Hyd.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER